

**立法會**  
**Legislative Council**

LC Paper No. CB(4)214/2022(03)

Ref. : CB4/PL/TP

**Panel on Transport**  
**Meeting on 8 April 2022**

**Updated background brief on enhancing  
personalized and point-to-point transport services**

**Purpose**

This paper provides updated background information on personalized and point-to-point transport services in Hong Kong, the demand of which has been largely met by taxi service at present. It also summarizes the major views and concerns expressed by the Panel on Transport (“the Panel”) on the subject.

**Background**

Taxi service

2. There are 18 000-odd taxis in Hong Kong. Taxi fares and operating areas are regulated by the Government.<sup>1</sup> Ordinary taxi licences are permanent in nature and held by as many as 9 000 licence holders. According to the established policy, the Government will issue new taxi licenses as and when necessary, having regard to the demand for taxi service, operating situation of the taxi trade, and likely impact of the increase in the number of taxis on traffic conditions.

3. Over the years, taxi service and the conduct of some taxi drivers have been subject to increasing criticisms in the community. The Government has conducted a review on taxi service under the Role and Positioning Review of the Public Transport Strategy Study (“PTSS”) and reported its findings to the Panel

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<sup>1</sup> Urban taxis may operate anywhere in Hong Kong except South Lantau. The operating area for New Territories (“NT”) taxis is confined to the northwest and northeast of NT and major infrastructural developments on the fringe of this permitted operating area. Such developments include the Hong Kong International Airport and Hong Kong Disneyland, as well as certain public transport interchanges. Lantau taxis may only provide service with Lantau (including Chep Lap Kok Island and South Lantau).

in 2016.<sup>2</sup>

4. In 2018, the Transport Department (“TD”) established the Committee on Taxi Service Quality (“CTSQ”) for discussing various strategies and measures to enhance taxi service quality. CTSQ has taken forward a series of measures, including updating the set of service standards and guidelines for taxis and enhancing the training courses on in-service taxi drivers’ service quality. Furthermore, the Government is reviewing existing sanctions for various taxi malpractices to strengthen the deterrent effect. In this regard, the Government proposes introducing a Taxi Driver-Offence Points System and a two-tier penalty system to deter taxi malpractices. Details of the two proposals are in **Appendices 1** and **2** respectively. According to the Government, it will consult relevant stakeholders and introduce relevant legislative proposals into LegCo in due course.

#### Fare increase applications by taxi trade

5. The Government consulted the Panel in March 2019 the fare increase application submitted by the taxi trade in September 2018. (“the 2018 taxi fare increase application”)<sup>3</sup>. The application seeks to propose an average rate of fare increase of 20.39% for urban taxis, 22.89% for NT taxis and 25.71% for Lantau taxis.<sup>4</sup> In assessing the fare increase application, apart from the views of LegCo, the Government will also consult the Transport Advisory Committee before submitting its recommendations to the Chief Executive in Council. The 2018 taxi fare increase application has yet to take effect, and relevant legislative amendment for implementing the new fares will need to go through negative vetting by LegCo.

#### Hire cars

6. Hire cars provide another kind of personalized and point-to-point transport service. According to the established policies, hire cars do not come under the category of public transport services. A private car owner must obtain a hire car permit (“HCP”) for operating the service under the law. The fare of hire cars is not subject to regulation. The maximum number of HCPs for private service (including cross-boundary and local) is capped at 1 500 under existing legislation.

#### Illegal carriage of passengers for hire or reward

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<sup>2</sup> CB(4)666/16-17(05).

<sup>3</sup> CB(4)618/18-19(07).

<sup>4</sup> The flagcharge of the first two kilometers is proposed to increase from \$24 to \$30, \$20.5 to \$26 and \$19 to \$26 for urban taxis, NT taxis and Lantau taxis respectively. For details of the proposed fare increase, please refer to paragraph 2 of CB(4)618/18-19(07).

7. According to the law, any person who drives or uses a motor vehicle for carriage of passengers for hire or reward without meeting the prescribed conditions contravenes section 52 of the Road Traffic Ordinance (Cap. 374) (“RTO”).<sup>5</sup> The Government notes that cases relating to illegal carriage of passengers for hire or reward using online hailing platforms have become more prevalent. Furthermore, traffic accidents involving illegally hired vehicles have further highlighted the lack of protection for passengers and road users. In this connection, the Government briefed the Panel in March 2019 the proposals to increase related penalties for illegal carriage of passengers for hire or reward so as to increase the deterrent effect.<sup>6</sup> A brief summary of the proposed revised penalties is in **Appendix 3**. In parallel, the Hong Kong Police has been taking stern actions against the offence through targeted operations. The Government has advised that it is commencing the legislative amendment exercise of RTO and will introduce the legislative proposal into LegCo as early as practicable.

## **Major views and concerns of Panel members**

### Implementing the Taxi Driver-Offence Points System

8. Members in general expressed support for introducing the Taxi Driver-Offence Points System to strengthen deterrent effect against taxi malpractices and enhance taxi service quality. For malpractices of more serious nature, members supported imposing a heavier penalty such as disqualifying the concerned drivers from holding or obtaining taxi driver licences immediately. A motion was carried at the meeting held on 25 July 2018 in this regard.<sup>7</sup>

9. Some members, on the other hand, were worried that the system might fail to distinguish serious and minor contraventions of certain offences, thus adversely affected the livelihood of taxi drivers. An enquiry was raised regarding appeal mechanism in case of disputes relating to the record of offence points.

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<sup>5</sup> Section 52 of the RTO stipulates that (a) no person shall drive or use a motor vehicle; or suffer or permit a vehicle to be driven or used for the carriage of passengers for hire or reward unless the vehicle meets the various specified conditions, such as a Hire Car Permit is in force in respect of the vehicle; (b) no person shall solicit or attempt to solicit any person for hire or reward to travel in a private car, private light bus, private bus or goods vehicle; and (c) no person shall permit or suffer a motor vehicle which is licensed as a private car, private light bus or private bus to stand or ply for hire or reward.

<sup>6</sup> CB(4)519/18-19(03).

<sup>7</sup> The wording of the motion is “To safeguard the rights and interests of passengers and the professional image of the taxi trade, this Panel calls for the imposition of heavier penalties to deter the malpractices of the black sheep of the taxi trade by disqualifying unscrupulous taxi drivers from driving taxis immediately upon being convicted of defrauding passengers like overcharging excessively under a Taxi Driver-Offence Points System.

10. The Government advised that offences recommended under the Taxi Driver-Offence Points System were those malpractices of a more serious nature. Offence points would only be recorded if the taxi drivers concerned were convicted by the court. Any convicted taxi driver could appeal against the decision and/or sentence in accordance with the existing court procedures. Moreover, the two-tier penalty system could distinguish the penalty level for first-time offenders and that for repeated offenders, who would be subject to a higher level of fine and imprisonment. When formulating the penalty level, the Government was mindful of striking a balance so that the penalties would have sufficient deterrent effect and at the same time be set at a reasonable level proportionate to the seriousness of the contraventions.

11. There was a suggestion that close-circuit television (“CCTV”) should be installed inside taxi compartment for collecting evidence if Taxi Driver-Offence Points System was to be implemented effectively. Various suggestions were put forward to address the privacy issues concerned, such as the use of CCTV system should be regulated and that the data recorded could only be decrypted by the police or authorized persons to avoid the misuse of such data.

12. The Government advised that owing to the divergent views from different stakeholders on this matter, it would be more appropriate for TD to promulgate guidelines on the installation of CCTV system in taxi compartments on a voluntary basis at this stage. Depending on the effectiveness of the guidelines, the Government would further consider the need to make the installation of CCTV in taxi compartments mandatory.

#### Provision of training courses for enhancing the service quality of taxi drivers

13. On members’ enquiry regarding the provision of training courses to taxi drivers for enhancing service quality, in particular the handling of disputes with passengers, the Government advised that training course which aimed at enhancing taxi service quality to be launched at TD's dedicated website would cover topics on effective communication skills between taxi drivers and passengers, methods of handling conflicts and good customer service skills. The Government had also distributed copies of the "Hong Kong Taxi Service Standard" in the form of stickers to taxi owners for display inside taxi compartments.

14. The Government further advised that to encourage active participation of taxi drivers in the training courses, participants might make an appointment free-of-charge to sit for an examination arranged by TD. Taxi drivers would also be encouraged to display inside taxi compartments certificate of commendation upon completion of the online course. A member suggested allowing taxi drivers to display the certificates on the outside of the taxi compartments so that passengers

would know drivers had participated relevant training before boarding the taxis.

#### The 2018 taxi fare increase application

15. The Panel was consulted on the 2018 taxi fare increase applications submitted by the taxi trade at the Panel meeting held on 15 March 2019. A few members considered that the proposed rate of increase too high comparing to the inflation rate and change in Monthly Median Household Income in the same period since the last taxi fare increase in 2017. On the other hand, members in support of the taxi fare increase application pointed out that the operating environment of the taxi trade had becoming more difficult due to a number of factors, including the prevalence of illegal hire car services, ageing problem of drivers and difficulties in attracting new blood to the trade. They opined that the fare level of taxis in Hong Kong was relatively low as compared to other cities in the world and had room for upward adjustment. In addition, the average salary of taxi drivers was far below the industry average. It was therefore necessary to increase taxi fare so as to improve the operating environment of the trade and the livelihood of frontline drivers.

16. The Government advised that it would consider a host of factors when considering the fare increase applications submitted by the taxi trade, including public acceptability of the proposed fares, the need to maintain an acceptable level of taxi service and passengers' feedback on service, and the financial viability of taxi operations. In reply to members' enquiry on ways to alleviate the fare increase pressure resultant from the increase in fuel costs, the Government further advised that it had been encouraging the taxi trade to switch their fleet to electric or hybrid vehicles which were more energy-saving. TD would continue to encourage the taxi trade to upgrade their fleet with a view to offering better service and reducing fuel costs.

17. Some members opined that taxi fare increase would lead to an increase in taxi rental, which in turn would directly affect the income and livelihood of frontline drivers. They enquired how the Government would ensure that frontline drivers could also benefit from the fare increase.

18. Quoting past experience, the Government pointed out that while there was a slight increase in the income of rentee-driver in real terms, the income of rentor-owners experienced a drop during the first 12-month period after the last fare increase. Taxi rental was a commercial arrangement between owners and drivers in a free market. As a matter of fact, due to the shortage of taxi drivers, taxi rental had generally remained unchanged since the last fare increase. With regard to the present fare increase applications, the Government advised that the majority of the trading companies and taxi owner associations had indicated that they would not adjust the rental for about three to six months after the fare increase

and would later on decide whether or not to adjust the rental having regard to the circumstances.

### Measures to enhance the operating environment of taxis

19. From time to time, Panel members have raised concern over the difficult operating situation of the taxi trade. They urged the Administration to take improvement measures, such as setting up more taxi stands, increasing the number of pick-up/drop-off points for taxis, and introducing a taxi fuel surcharge to mitigate the impact of fuel price fluctuations on income of taxi drivers.

20. The Government advised that it had taken measures to help improve the operating environment of the taxi trade, including setting up taxi stands and designating pick-up/drop-off points at suitable locations. TD had established CTSQ in January 2018 for discussing various reform strategies and measures to enhance the service quality of taxi trade. Such included enhancing the handling of complaints against malpractices and encouraging the trade to leverage on technology to enhance operational efficiency and service quality. Meanwhile, several facilitation measures were introduced, such as extending the validity period of the taxi driver identity plates from one year to ten years, and sparing the taxi trade the need to renew the restricted zone permits annually.

21. As regards attracting young drivers to join the industry, the Government has relaxed the current requirement for applications of driving licences for commercial vehicles to have a valid driving licence of private car or light goods vehicle for a period of at least three years to at least one year with a view to attracting new blood to the industry.

### Concerns over illegal carriage of passengers for hire or reward

22. The Panel was briefed by the Government on its proposal of increasing the related penalties for illegal carriage of passengers for hire or reward stipulated under RTO. Members were concerned that quite a number of owners of van-type light goods vehicles and private cars without HCPs were engaged in providing illegal carriage of passengers for hire or reward. As there might be risks involved in such acts, such as the invalidation of third-party risks insurance, members supported the Government to introduce heavier penalty and step-up enforcement actions against these acts. A motion raised at the Panel meeting on 15 March 2019 was carried urging the Government to take stern actions to combat these illegal activities.<sup>8</sup>

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<sup>8</sup> Wording of the motion is: Given that the use of motor vehicles for illegal carriage of passengers for hire or reward ("white licence cars") has become increasingly rampant, posing a threat to the protection, rights and interests duly enjoyed by passengers and road users, this Panel urges the Government to expeditiously implement the proposal to increase the penalty

23. Some members opined that the present online hailing service for private vehicles without HCPs constituted an unfair competition to the taxi trade, as any persons in possession of a private vehicle could provide hire car service directly to passengers through online hailing platforms without the need to be abided by the legal requirements of the taxi trade such as fee structure, vehicle requirements and so forth. It was also unfair to taxi owners who had invested a huge sum of money to procure a taxi licence for operation, and it had also directly affected the income of frontline taxi drivers.

24. The Government explained that using online hailing platforms itself would not constitute an illicit act. It was the use of vehicles for hire or reward which contravened the requirements stipulated under Section 52 of RTO, such as without a valid HCP, would commit an offence. The Government's policy objective was to regulate the service of carriage of passengers for hire or reward, thereby enhancing the safety and protecting the interests of passengers and road users. It was imperative to increase the deterrent effect against the related offences through introducing heavier penalty in combating such illicit acts.

25. Pointing out that the penalties handed down by the court for convicted cases involving illegally hired vehicles in the past few years might be too lenient to have any deterrent effect, some members enquired whether raising the penalty level under RTO would be effective. There were also enquiries on how the Police would enhance its enforcement actions against these illegal acts.

26. The Government advised that when deciding the appropriate sentence for each convicted case, the court would make judgment having regard to relevant facts and circumstances of each individual case. Raising the penalty levels under RTO could provide the court with a new reference point in considering appropriate punishments. In addition, setting more severe penalties and adding a specific provision on suspension of driving licence could send a clear message to the public on the Government's commitment to combat such illicit acts. On enforcement, the Police had been taking actions against the offence through targeted operations such as collecting intelligence, conducting covert operations, investigating and following up on referral cases. TD would, through enforcement, publicity and education, remind the public of the illegality of such service and the lack of passenger protection when using such service.

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level for the offence of illegal carriage of passengers for reward, and as the proposal concerns the maximum penalty level, the Police and the Department of Justice must seek review of the overly lenient sentences so that the sentences should reflect the seriousness of the offence and achieve a deterrent effect; meanwhile, the Police should continue to conduct "sting operations" and take stringent law enforcement actions against "white licence cars" engaged in illegal carriage of passengers for reward.

### **Latest position**

27. The Government will consult the Panel on proposals to enhance the quality of personalized and point-to-point transport services, including the taxi fare increase applications submitted by the taxi trade as well as the legislative proposals of introducing the Taxi Driver-Offence Points System and increasing the penalties for illegal carriage of passengers for hire or reward by motor vehicles at the meeting to be held on 8 April 2022.

### **Relevant papers**

28. Relevant questions raised at Council meetings and other relevant papers are in **Appendices 4** and **5** respectively

Council Business Division 4  
Legislative Council Secretariat  
1 April 2022



**Implementing a two-tier penalty system  
for offences of a more serious nature**

The Government proposes a two-tier penalty system for the six offences of a more serious nature, namely overcharging, refusal to hire, not using the most direct practicable route, soliciting, and defacing, damaging or altering of taximeters. The present level of penalty will be maintained for offending taxi drivers on first conviction, viz. a maximum fine at level 3 (\$10,000) and imprisonment for 6 months; whereas the penalty for second or subsequent conviction will be increased to a maximum fine at level 4 (\$25,000) and imprisonment for 12 months. We have considered the following factors –

- (a) having reviewed the seriousness and prevalence of the existing 24 taxi driver-related offences, and by drawing reference from the relevant case law of the Court in the past, we consider that the first six offences (namely overcharging, refusal to hire, not using the most direct practicable route, soliciting, and defacing, damaging or altering of taximeters) are related to fraudulent conduct, resulting in passengers being charged at rates higher than the normal fare, and/or directly affecting the provision of point-to-point taxi service. As such, we consider that it is reasonable to raise the penalty level for offences of a more serious nature;
- (b) Although the Court may impose imprisonment on<sup>1</sup> and disqualify the driver from driving taxi for a certain period of time<sup>2</sup> for offences of a more serious nature (such as overcharging and refusal to hire) under the existing legislation, and the Court will generally impose a higher penalty for repeated offenders, the number of taxi drivers who have committed those offences is still on the rise. Take overcharging as an example. From 2012 to 2016, the highest penalties imposed by the Court were a fine of \$7,000, imprisonment for 3 months and licence suspension for 12 months. Nevertheless, the number of prosecution

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<sup>1</sup> Regulation 57(4) of the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D).

<sup>2</sup> Sections 69(1)(f) and (2) of the Road Traffic Ordinance (Cap. 374).

- (c) cases on overcharging still rose from 47 in 2013 to 62 in 2017;
- (d) at present, there are similar two-tier penalty systems under other provisions in the Road Traffic Ordinance (Cap. 374). Take driving a motor vehicle with alcohol concentration above prescribed limit as an example. The offender is liable on summary conviction on a first offence to a fine at level 3 (\$10,000) and to imprisonment for 6 months; and on a second or subsequent conviction to a fine at level 4 (\$25,000) and to imprisonment for 12 months.<sup>3</sup> Moreover, given that the offences of a more serious nature mentioned in paragraph (a) above involve fraud, we have therefore made reference to section 12 of the Weights and Measures Ordinance (Cap. 68). The maximum fine for fraud in using for trade weighing or measuring equipment is \$20,000, which is similar to a fine at level 4; and
- (e) for the other offences, as they are of a less serious nature and the number of prosecutions and complaint cases against such offences was relatively smaller in the past, we propose that the existing penalties be maintained, i.e. the two-tier penalty system will not be applicable to these offences.

Source: Annex 2 to CB(4)1407/17-18(01)

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<sup>3</sup> Other examples include sections 39A, 39B(6), 39C(5) and 39J(1) of the Road Traffic Ordinance as well as regulation 61(1) of the Road Traffic (Traffic Control) Regulations.

### Introducing the Taxi Driver-Offence Points System

Under the existing legislation, the Court may disqualify taxi drivers who have committed taxi driver-related offences from driving a taxi for a certain period of time as the Court thinks fit. However, the imposition of such penalty is limited to certain offences of a more serious nature, such as overcharging, refusal to hire, and not using the most direct practicable route. In response to the earlier proposals from the community and the taxi trade, we propose introducing a Taxi Driver-Offence Points System by making reference to the existing Driving-Offence Points System under the Road Traffic (Driving-Offence Points) Ordinance (Cap. 375).<sup>1</sup> The system will mainly cover offences related to taxi drivers' service which are punishable by heavier penalties under the existing legislation. It aims to enhance the overall deterrent effect, particularly on taxi drivers who have repeatedly committed various

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<sup>1</sup> The Driving-Offence Points System was implemented on 25 August 1984. Any scheduled offence committed as from that date attracts driving-offence points if the driver is convicted by any court or the driver becomes liable to the fixed penalty. With a view to improving road safety, the main purposes of the system are to deter habitual traffic offenders and to improve the driving standard in order to reduce the deaths or injuries arising from the traffic accidents. The system does not cover all traffic offences, but only 50-odd items of offences which have a direct bearing on road safety are included. If drivers have incurred 8 points or more, but less than 15 points, the TD will issue an Advice of Driving-Offence Points to them. This Advice will detail their Driving-Offence Points in respect of the offences they committed within a period of two years, and also remind them of the consequences when more points are accumulated. The Advice aims to alert drivers to the importance of improving their driving behaviour. If drivers have incurred 10 or more points in respect of offences committed within a period of two years, the TD will issue an Obligatory Attendance of Driving Improvement Course Notice to them. They must attend and complete a driving improvement course at their own cost within three months from the issue date of the Notice. If drivers have incurred 15 or more points in respect of offences committed within a two-year period, they can be disqualified by a court from holding or obtaining a driving licence. Whilst the period of disqualification for the first time will be three months, this will be increased to six months for any subsequent convictions. Driving-Offence Points are incurred for each offence committed and counted individually, irrespective of whether the offences have arisen from the same incident. A summons will be issued by the court to the drivers once they have incurred 15 or more points for traffic offences within a two-year period. Any points not included in the summons will be carried forward. When they have incurred 15 or more points again within a two-year period, the driver will receive another summons.

malpractices related to taxi services. This is to send a clear message to the drivers – If they repeatedly commit the relevant offences, they will ultimately be disqualified from driving a taxi for a certain period of time when the offence points accumulated reach the maximum level under the offence points system.

2. In the course of formulating the proposed system, we have reviewed the nature and seriousness of the existing taxi driver-related offences, and allocated offence points with reference to the existing penalty level of relevant offences. We have also consulted the CTSQ and the trade through the taxi trade conferences on the preliminary proposals. In view of the comments and concerns of the Committee and the taxi trade regarding the offence points system, we now propose to implement an offence points system targeting only those malpractices of a more serious nature, involving fraudulent behaviour and having a grave impact on the taxi service quality. Details are set out at the Table. In brief, items 1 to 6 in the Table are awarded the highest point of 10, while items 7 to 11 are awarded 5 points. As regards the other 13 taxi-related offences listed in Annex 1, as there were basically not many convictions for these offences in the past<sup>2</sup> and some of them concern malpractices of a relatively minor nature, we do not propose to include them in the Taxi Driver-Offence Points System.

3. Similar to the existing Driving-Offence Points System, the offence points incurred will be effective from the date that the offence has been committed after such has been convicted before the Court. If the driver lodges an appeal against the conviction, the points incurred by the driver for the offence will be invalidated until the appeal is determined. After the appeal is determined, the points incurred will also be effective from the date that the offence is committed. The points for each contravention, whether or not arising from the same incident, will be counted individually.

4. If the taxi driver has incurred 15 or more points in respect of offences committed within a two-year period (calculated on a rolling basis), the Court may disqualify the driver from holding or obtaining a taxi driving licence. In the case of disqualification for the first time, it will last for 3 months. If the taxi driver has incurred another 15 points subsequently, he or she will be disqualified for 6 months. Procedurally,

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<sup>2</sup> The conviction figures were relatively higher for the malpractices of parking at taxi stands not permitted for use, or parking at taxi stands during non-permitted period. As this offence is common traffic contravention by nature and not related to the taxi service quality, we do not propose to include it in the Taxi Driver-Offence Points System.

when the taxi driver has incurred 15 points in respect of offences committed within a two-year period, a summons will be served by the Court, and the magistrate will make an order to disqualify the taxi driver from holding or obtaining a taxi driving licence. Any other points not included in the summons will be carried forward. In other words, when the taxi driver has incurred another 15 points within a two-year period, the taxi driver will receive another summons from the Court.

5. When the taxi driver has incurred 10 points or more, but less than 15 points, the TD will issue an Advice of Taxi Driving-Offence Points to the driver. The Advice will provide the details of the Taxi Driving-Offence Points in respect of the offences which are committed by the driver within a two-year period. It serves to remind the taxi driver of the consequences in a timely manner if more points are accumulated, and to alert the driver to improve his or her service behaviour and attitude. Having regard to the feedback from the trade, we will consider making reference to the existing arrangement of the Driving-Offence Points System – If the taxi driver has incurred 10 or more points in respect of taxi driver-related offences committed within a two-year period, the TD will issue an Obligatory Attendance of Taxi Service Improvement Course<sup>3</sup> Notice. The taxi driver must attend and complete the improvement course at his or her own cost within 3 months from the issue date of the Notice. With the completion of the course, 3 points can be deducted from the total points accumulated.

6. The points incurred for the offences committed will be nullified upon the lapse of the two-year validity period or upon being disqualified from holding or obtaining a taxi driving licence.

7. The above proposed Taxi Driver-Offence Points System will be applicable to individuals who are holding or obtaining taxi driving licences at present or in the future.

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<sup>3</sup> The TD will consider engaging a service provider to provide the Taxi Service Improvement Course concerned, which is expected to cover areas such as taxi service-related legislation, safe driving, conflict management, effective communication skills and complaint handling, etc.

**Table on Proposed Taxi Driver-Offence Points System**

11 Offences recommended to be included in the System

No.	Offence	Regulation	Section	Proposed Offence Point
1	Overcharging	374D	47(2)	10
2	Refuse or neglect to accept a hire	374D	37(a)	
3	Refuse or neglect to drive the taxi to the place indicated by the passenger	374D	37(b)	
4	Not using the most direct practicable route	374D	37(d)	
5	Soliciting	374D	40	
6	Damaging, defacing or altering taximeters	374A	121(4)	
7	Refuse to carry the number of passengers in compliance with the legislation	374D	37(c)	5
8	When a taxi is hired, permitting any person other than the hirer to enter the taxi without the consent of the hirer (commonly known as “taxi pooling”)	374D	37(e)	
9	Refuse to issue a receipt	374D	37(f)	
10	Deceive or refuse to inform a passenger as to the proper fare and route to any place	374D	45(2)(a)	
11	Not commence or stop recording by moving the position of the taximeter indicator	374D	49(2)	

Source: Annex 3 to CB(4)1407/17-18(01)

**Proposed Revised Penalties**

Having considered the penalties for illegal carriage of passengers for hire or reward in ten other jurisdictions as well as those for comparable traffic offences in Hong Kong, the Government proposes increasing the penalties for illegal carriage of passengers for hire or reward under section 52 and Schedule 4 of the Road Traffic Ordinance in the following aspects

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- (a) raising the maximum fine from the current \$5,000 (level 2) and \$10,000 (level 3) to \$10,000 (level 3) and \$25,000 (level 4) for first and subsequent conviction(s) respectively;
- (b) lengthening the period for suspension of vehicle licence and impoundment of vehicles from the current 3 months and 6 months to 6 months and 12 months upon first or subsequent conviction(s) respectively; and
- (c) adding a specific provision under section 52 such that a court or magistrate may order a person convicted of the offence to be disqualified to drive for such a period as the court or magistrate thinks fit.

A comparison table of the existing and proposed penalties is provided as follows –

<b>Existing Penalties</b>		<b>Proposed Penalties</b>	
First conviction	Subsequent conviction(s)	First conviction	Subsequent conviction(s)
(a) Fine: \$5,000 (level 2) at maximum	(a) Fine: \$10,000 (level 3) at maximum	(a) Fine: \$10,000 (level 3) at maximum	(a) Fine: \$25,000 (level 4) at maximum
(b) Imprisonment : 3 months at maximum	(b) Imprisonment: 6 months at maximum	(b) Imprisonment: no change	(b) Imprisonment: no change

(c) Suspension of vehicle licence and Impoundment of vehicles: 3 months	(c) Suspension of vehicle licence and Impoundment of vehicles: 6 months	(c) Suspension of vehicle licence and Impoundment of vehicles: 6 months	(c) Suspension of vehicle licence and Impoundment of vehicles: 12 months
(d) Disqualification of driving licence for a period as the court or magistrate thinks fit (under a general provision of the RTO ).		(d) Disqualification of driving licence for a period as the court or magistrate thinks fit (under a new and specific provision of the RTO).	

Source: CB(4)519/18-19(03)



## Appendix 4

### Relevant questions raised at Council meetings

5.12.2012	<a href="#"><u>Dr Elizabeth QUAT raised a question on taxi malpractices</u></a>
20.11.2013	<a href="#"><u>Hon Christopher CHUNG raised a question on combating the offer of discounts on taxi fares by using mobile applications</u></a>
19.2.2014	<a href="#"><u>Hon WONG Kwok-hing raised a question on taxi drivers using mobile phones while driving</u></a>
16.4.2014	<a href="#"><u>Dr KWOK Ka-ki raised a question on taxi services on Lantau Island</u></a>
25.6.2014	<a href="#"><u>Hon KWOK Wai-keung raised a question on measures to combat the offer of discounts on taxi fares</u></a>
12.11.2014	<a href="#"><u>Hon KWOK Wai-keung raised a question on offer of discounts on taxi fares</u></a>
15.4.2015	<a href="#"><u>Dr CHIANG Lai-wan raised a question on combating illegal carriage of passengers for reward</u></a>
29.4.2015	<a href="#"><u>Hon Frankie YICK raised a question on mobile applications for taxi-hailing</u></a>
14.10.2015	<a href="#"><u>Hon Charles Peter MOK raised a question on regulation of hire car services</u></a>
9.12.2015	<a href="#"><u>Hon Frankie YICK raised a question on combating malpractices of taxi drivers</u></a>
20.1.2016	<a href="#"><u>Hon Frankie YICK raised a question on taxi service</u></a>
22.6.2016	<a href="#"><u>Hon Frederick FUNG raised a question on fuel prices and public transport fares</u></a>
13.7.2016	<a href="#"><u>Dr Hon Priscilla LEUNG raised a question on premium taxis</u></a>
31.5.2017	<a href="#"><u>Hon Frankie YICK raised a question on using smart phones/devices while driving</u></a>

12.12.2018	<a href="#"><u>Hon LAM Cheuk-ting raised a question on baggage carried by taxi passengers</u></a>
20.2.2019	<a href="#"><u>Hon Frankie YICK raised a question on enhancing service quality and improving operating environment of taxi industry</u></a>
26.2.2020	<a href="#"><u>Hon Frankie YICK raised a question on insurance premiums for taxis</u></a>
10.6.2020	<a href="#"><u>Hon Frankie YICK raised a question on taking out insurance for taxis</u></a>
20.1.2021	<a href="#"><u>Hon Frankie YICK raised a question on hiring of taxis and other vehicles by the Government</u></a>
8.9.2021	<a href="#"><u>Hon CHAN Han-pan raised a question on improving taxi services</u></a>
29.9.2021	<a href="#"><u>Hon Frankie YICK raised a question on problems faced by the taxi trade</u></a>

**Updated background brief on enhancing  
personalized and point-to-point transport services**

**List of relevant papers**

<b>Date of meeting</b>	<b>Meeting</b>	<b>Minutes/Paper</b>	<b>LC Paper No.</b>
21.6.2013	Panel on Transport ("TP")	Administration's paper on taxi fare increase applications	<a href="#">CB(1)1298/12-13(03)</a>
		Background brief on taxi fare adjustments prepared by the Legislative Council Secretariat	<a href="#">CB(1)1298/12-13(04)</a>
		Minutes of the meeting	<a href="#">CB(1)466/13-14</a>
10.2013	Subcommittee on Road Traffic (Public Service Vehicles) (Amendment) Regulation 2013	Legislative Council Brief on "Taxi Fare Increase Applications"	<a href="#">THB(T)L 3/3/5</a>
		Legal Service Division Report	<a href="#">LS4/13-14</a>
		Report of the Subcommittee on Road Traffic (Public Service Vehicles) (Amendment) Regulation 2013	<a href="#">CB(2)222/13-14</a>
-	-	Information note on taxi service in selected places prepared by the Research Office of the Legislative Council Secretariat	<a href="#">IN13/14-15</a>
17.7.2015	TP	Administration's paper on Public Transport Strategy Study - taxi fuel surcharge	<a href="#">CB(1)1306/14-15(03)</a>
		Information note on taxi fuel surcharge in selected	<a href="#">IN14/14-15</a>

Date of meeting	Meeting	Minutes/Paper	LC Paper No.
		places prepared by the Research Office of the Legislative Council Secretariat	
		Minutes of the meeting	<a href="#">CB(4)228/15-16</a>
6.11.2015	TP	Administration's paper on taxi service	<a href="#">CB(4)119/15-16(08)</a>
		Background brief on taxi service prepared by the Legislative Council Secretariat	<a href="#">CB(4)119/15-16(09)</a>
		Administration's follow-up paper	<a href="#">CB(4)267/15-16(01)</a>
		Minutes of the meeting	<a href="#">CB(4)513/15-16</a>
21.6.2016	TP	Administration's paper on Public Transport Strategy Study - Role and Positioning Review on premium taxis and increasing the seating capacity of public light buses	<a href="#">CB(4)1124/15-16(01)</a>
		Background brief on premium taxis prepared by the Legislative Council Secretariat	<a href="#">CB(4)1124/15-16(02)</a>
		Minutes of the meeting	<a href="#">CB(4)1315/15-16</a>
16.12.2016	TP	Administration's paper on taxi fare increase applications	<a href="#">CB(4)285/16-17(05)</a>

Date of meeting	Meeting	Minutes/Paper	LC Paper No.
		Background brief on taxi fare adjustment prepared by the Legislative Council Secretariat	<a href="#">CB(4)285/16-17(06)</a>
		Minutes of the meeting	<a href="#">CB(4)513/16-17</a>
17.3.2017	TP	Administration's paper on Public Transport Strategy – Role and Positioning Review on Personalised and Point-to-Point Transport Services	<a href="#">CB(4)666/16-17(05)</a>
		Background brief on personalized and point-to-point transport services in Hong Kong prepared by the Legislative Council Secretariat	<a href="#">CB(4)666/16-17(06)</a>
		Minutes of the meeting	<a href="#">CB(4)1470/16-17</a>
25.7.2018	TP	Administration's paper on enhancing taxi service quality	<a href="#">CB(4)1407/17-18(01)</a>
		Background brief on enhancing taxi service quality prepared by the Legislative Council Secretariat	<a href="#">CB(4)1407/17-18(02)</a>
		Minutes of meeting	<a href="#">CB(4)286/19-20</a>
		Government's follow up paper on the number of convicted cases relating to taxi driver-related offences	<a href="#">CB(4)170/18-19(01)</a>
15.3.2019	TP	Government's paper on taxi fare increase application	<a href="#">CB(4)618/18-19(07)</a>

<b>Date of meeting</b>	<b>Meeting</b>	<b>Minutes/Paper</b>	<b>LC Paper No.</b>
		Updated background brief on taxi fare adjustments prepared by Legislative Council Secretariat	<a href="#">CB(4)618/18-19(08)</a>
		Minutes of meeting	<a href="#">CB(4)1218/18-19</a>
15.3.2019	TP	Administration's paper on Review of Penalty Level for Illegal Carriage of Passengers for Hire or Reward	<a href="#">CB(4)519/18-19(03)</a>
		Minutes of meeting	<a href="#">CB(4)1218/18-19</a>

Council Business Division 4  
Legislative Council Secretariat  
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